UNITED STATES PATENT AND TRADEMARK OFFICE

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09/671,424	09/27/2000	Michael L. Grandcolas	CITI-0209	5925

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Johnson & Associates
317A East Liberty Street
Savannah, GA 31401

EXAMINER
COLBERT, ELLA

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte MICHAEL L. GRANDCOLAS,
NANCY BRYANT,
HOWARD A. SCHECHTMAN, and
DILIP J. PAREKH

_____

Appeal 2010-009946
Application 09/671,424
Technology Center 3600

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Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges.*

LORIN, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Michael L. Grandcolas, et al. (Appellants) seek our review under 35
U.S.C. § 134 of the final rejection of claims 51 and 52. We have jurisdiction
under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We AFFIRM-IN-PART.[1]

THE INVENTION

Claim 51, reproduced below, is illustrative of the subject matter on
appeal.

> 51. A platform-independent method for configuring a self-
> service financial transaction device in a global communications
> network having a plurality of nodes interconnected with
> communication lines, comprising:
>
> > receiving a session request from a user using a
> > transaction card at an interactive interface to access said self-
> > service financial transaction device and ascertaining from the
> > transaction card a status of the user as a customer or non-
> > customer and a status of the user as a local or international user;
> >
> > associating, selectively said session request with pre-
> > stored parameters for configuring a standardized user-specific
> > interactive interface, wherein said parameters consist at least in
> > part of a set of parameters for determining financial application
> > functions to be offered to the user based on the status of the

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[1] Our decision will make reference to the Appellants' Appeal Brief ("Br.,"
filed Mar. 13, 2009) and the Examiner's Answer ("Ans.," mailed Apr. 5,
2010).

user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user; and

displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

| Do | US 6,061,666 | May 9, 2000 |
| Richards | US 6,539,361 B1 | Mar. 25, 2003 |

The following rejections are before us for review:

1. Claim 51 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards.

2. Claim 52 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards and Do.

ISSUE

Was the Examiner's rejection under § 103(a) of claims 51 and 52 over the cited prior in error?

FINDINGS OF FACT

We rely on the Examiner's factual findings stated in the Answer (Ans. 4-7). Additional findings of fact may appear in the Analysis below.

ANALYSIS

The rejection of claim 51 under 35 U.S.C. § 103(a) as being unpatentable over Richards.

The first step of claim 51 is:

> receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user.

The Examiner found this step to be disclosed in column 11, line 46 – column 13, line 54; column 14, lines 15-22; column 14, line 56 – column 15, line 65; and, column 16, lines 17-50 of Richards. Ans. 4. The Examiner further states that

> Richards did not expressly disclose "ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user.["] However, Richards does disclose a touch screen which includes an icon which indicates in one or more languages that to commence a transaction the user should touch the screen - col. 11, lines 46-49 and the card reader reading the card data - col. 12, line[s] 33-37. This is interpreted as determining the status of the user as a customer or a noncustomer and a local or international user.

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Ans. 5. In response to the Brief, the Examiner also relies specifically on column 11, lines 46-66; column 12, lines 2-25 and lines 33-61; as well as on column 13, lines 1-25; and, column 22, line 30-column 25, line 40. Ans. 8-9.

The Appellants disagree. However, the Appellants do not explain *why* they disagree. The Appellants begin by arguing that "Richards fails to teach or suggest" the subject matter of the first step of claim 51 and then state "[o]n the contrary" with an explanation of what the Appellants understand Richards to be doing. But *why* the Richards method, as the Appellants understand it, fails to lead one of ordinary skill in the art to a method comprising the first step as claimed is left unexplained and we are unable to discern the difference. Furthermore, all the disclosures (*see supra*) the Examiner relied upon have not been fully considered. For example, the Appellants argue that column 22, line 30-column 23, line 52 of Richards describes simply a home server forwarding card data having a URL to a server corresponding to the user's URL address. Br. 5. But our reading of that passage is that it describes an operation based on a determination as to whether "a 'foreign' user uses the ATM" (col. 22, ll. 30-31). Notwithstanding the Appellants assertion to the contrary, when fully considered, this disclosure appears to meet the limitation "receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and *ascertaining from the transaction card ... a status of the user as a local or international user*" in the first step of claim 51 (emphasis added). Finally, the Examiner's position has not been fully considered. While the Appellants

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argue that Richards fails to teach or suggest the first step of the claimed method, the Examiner also took the position that the first step as claimed reads on Richards when reasonably broadly construed. *See* Ans. 4-5 ("This is interpreted as ..."), a position that does not appear to have been challenged.

For similar reasons, the Appellants' arguments that Richards fails to teach and suggest the second and third steps of claim 51 are also unpersuasive as to error in the rejection. The Examiner found these steps disclosed at column 16, lines 10-67 and column 17, line 1-column 18, line 4; and, column 22, line 30-column 23, line 52, column 24, lines 9-21 and line 46-column 25, line 40, respectively. The Examiner's characterization of what is disclosed in these passages has not been challenged.

For the foregoing reasons, we do not find the Examiner's rejection under § 103(a) of claim 51 over the cited prior has been shown to be in error.

The rejection of claim 52 under 35 U.S.C. § 103(a) as being unpatentable over Richards and Do.

The Appellants arguments parallel those made against the rejection of claim 51 but add that neither Richards nor Do disclose ascertaining from a transaction card *a status of a user as a vision impaired or vision unimpaired user*; associating a session request with pre-stored parameters consisting at least in part of a set of parameters for determining financial application functions based on *a status of the user as a as a vision impaired or vision unimpaired user*; and, displaying a standardized customer-specific interactive interface to provide said user with the offering of financial

application functions depending on *the status of the user as a vision impaired or vision unimpaired user* as set forth in claim 52. Br. 6-10.

The Examiner has taken the position that the aspects of the method of claim 52 which depend on the status of the user as a vision impaired or vision unimpaired user would have been obvious given the combined disclosures of voice-input data in Richards (col. 13, ll. 19-25) and visual displays with features useful to the visually impaired (such as large type visual displays) in Do (col. 4, l. 66 – col. 5, l. 8). *See* Ans. 14.

We have reviewed the evidence and find that we are in agreement with the Appellants. While a case could be made that the cited prior art combination would lead one of ordinary skill in the art to employ displays configured for the visually impaired through larger type or the use of audio, they do not disclose or lead one of ordinary skill to conduct the steps of claim 52 that *depend* "on the status of the user as a vision impaired or vision unimpaired user." The references do not disclose or lead one to use "the status of the user as a vision impaired or vision unimpaired user" as a factor. The Richards and Do processes operate irrespective of whether the user is or is not vision impaired and is thus a non-factor. The Examiner notes that "this claim requires only one of the recited elements. -The elements are customer or non-customer and vision impaired or vision unimpaired user" (Ans. 15.) But the broadest reasonable construction of the claim is that the steps are required to *depend* on a determination of the "status of the user as a vision impaired or vision unimpaired user." For example, in the first step "a session request [is received] from a user using a transaction card at an interactive interface to access said self-service financial transaction device

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and ... *from the transaction card ... a status of the user as a vision impaired or vision unimpaired user" is ascertained* (claim 52) (emphasis added). The prior art does not show or lead one to ascertain such a status from a transaction card.

Accordingly, we will not sustain the rejection of claim 52.

CONCLUSION

The rejection of claim 51 under 35 U.S.C. § 103(a) as being unpatentable over Richards is affirmed.

The rejection of claim 52 under 35 U.S.C. § 103(a) as being unpatentable over Richards and Do is reversed.

DECISION

The decision of the Examiner to reject claims 51 and 52 is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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